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5 UNITED STATES DISTRICT COURT  
6 SOUTHERN DISTRICT OF OHIO  
7 WESTERN DIVISION  
8 - - -

9 HENRY WILLIAMS, :  
10 Plaintiff, :  
11 vs. : CASE NO. C-1-02-533  
12 MILTON CAN COMPANY, INC. and :  
13 BWAY MANUFACTURING, :  
14 Defendants. :  
15 :  
16 - - -

17 DEPOSITION

18 of RALPH BRIGGS, taken before me, Kathy J. Nicholson,  
19 Registered Professional Reporter and Notary Public in and  
20 for the State of Ohio at large, as on cross-examination,  
21 at the Hampton Inn, 858 Eastgate North Drive, in the City  
22 of Batavia, County of Clermont, and State of Ohio, on  
23 Monday, the 27th day of October, 2003, beginning at 8:53  
24 o'clock, a.m.  
25 - - -

Charlene E. Nicholas & Assoc., Inc.  
111 Briar Heath Circle, Dayton, OH 45415-2601  
Phone: (937) 277-8512 Fax: (937) 275-0170



1 Q. -- on that form? What did it take to get a  
2 verbal infraction?

3 A. It would be like if you were missing work, you  
4 could get a verbal for that.

5 Q. One time occurrence or would it take a couple of  
6 times for me coming in late before I'd get the verbal?

7 A. Take a couple of times.

8 Q. Okay. Then what came after verbal, written?

9 A. Written.

10 Q. Would that be a couple more times of being late  
11 before I would get a written or would it --

12 A. Couple more.

13 Q. And what came after written? Suspension?

14 A. Written with suspension.

15 Q. Three days, five days?

16 A. Three days.

17 Q. And then the next one?

18 A. Written with suspension, five-day pending.

19 Q. And what does pending mean?

20 A. Termination.

21 Q. Does that mean that they could be terminated  
22 after that suspension, or was it just --

23 A. Yes.

24 Q. Okay. What would determine whether they were  
25 suspended for five days versus taking the pending

1 termination and terminating them?

2 A. Say it again?

3 Q. I guess this step, the fourth step, written with  
4 suspension, five to eight pending, did that give the  
5 company the option of either bringing them back after  
6 eight days or terminating them?

7 A. Yes.

8 Q. What was the difference? I mean who decided  
9 whether they take them back versus terminate them?

10 A. Personnel.

11 Q. Was there another step after that?

12 A. No.

13 Q. Did the progressive discipline go on a  
14 twelve-month cycle, January to December or --

15 A. I believe from the first incident, it moves  
16 forward from there.

17 Q. So if I had an incident January 1st that got me  
18 a verbal, my slate would be wiped clean January 1st of the  
19 next year? And if I had another incident, I wouldn't go  
20 to written, I'd go back to verbal?

21 A. I'd say yes.

22 Q. Have you ever been deposed before, had your  
23 deposition taken like we're doing here today?

24 A. No.

25 Q. Do you recall any of the safety committee

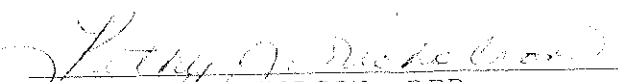
1 STATE OF OHIO :  
2 : SS C-E-R-T-I-F-I-C-A-T-E  
3 COUNTY OF MONTGOMERY :  
4

5 I, Kathy J. Nicholson, a Registered Professional  
6 Reporter and Notary Public in and for the State of Ohio at  
7 Large, duly commissioned and qualified;

8 DO HEREBY CERTIFY that the above-named RALPH  
9 BRIGGS, was by me first sworn to testify to the truth, the  
10 whole truth, and nothing but the truth; that his testimony  
11 was recorded by me in stenotype and thereafter reduced to  
12 typewriting; that signature to the deposition was  
13 expressly waived; and was taken at the time and place  
14 hereinabove set forth.

15 I FURTHER CERTIFY that I am not a relative or  
16 attorney of either party, nor in any manner interested in  
17 the event of the action.

18 IN WITNESS WHEREOF I have hereunto set my hand  
19 and affixed my seal of office on the 7<sup>th</sup> day of  
20 November, 2003.

21  
22   
23 KATHY J. NICHOLSON, RPR  
24 NOTARY PUBLIC, STATE OF OHIO  
25 My commission expires 8/24/07